IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(C).No. 12697 of 2007(J)

PETITIONER:

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1. M.RUKMINI BHAI, AGED 64 YEARS,
   D/O.T.K.KUMARAN NAIR, RESIDING AT BLOCK NO.1, F2,
   CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

2. ZUBAIDA KHATUN, AGED 59 YEARS,
   D/O.MOIDEEN, RESIDING AT BLOCK NO.6, G1,
   CHINTHAVALAPPU FLATS, RAM MOAH ROAD, KOZHIKODE.

3. SYJU.V.R.,
   D/O.VIJAYARAGHAVAN, RESIDING AT BLOCK NO.9,G2,
   CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

4. MARIAMMA GEORGE, AGED 52 YEARS,
   D/O.C.L.PAUL, RESIDING AT BLOCK NO.1, F1,
   CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

5. ELSAMMA JOHN, AGED 50 YEARS,
   W/O.JOHN, RESIDING AT BLOCK NO.8, F1,
   CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
   KOZHIKODE.

6. K.G.GOPALAKRISHNAN, AGED 62 YEARS,
   S/O.A.C.GOPALAN NAIR, RESIDING AT BLOCK NO.6,F1,
   CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

7. M.D.AUGUSTY, AGED 58 YEARS,
   S/O.DEVASSY,
   RESIDING AT BLOCK NO.8, S2,
   CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

8. DR.K.GOPINATH, AGED 67 YEARS,
   S/O.KRISHNAN, RESIDING AT BLOCK NO.5, S2,
   CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
   KOZHIKODE.

9. T.N.AMMINI, AGED 58 YEARS,

D/O.E.K.K.RAJA, RESIDING AT BLOCK NO.10,G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

10. CHERIAN PAUL, AGED 45 YEARS,
S/O.PAIL, RESIDING AT BLOCK NO.8,G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

11. DR.P.T.RAJAMMA, AGED 73 YEARS,
D/O.KOCHUNNI KAIMAL,
RESIDING AT BLOCK NO.4,G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

12. ARATHY.R.RAO, AGED 50 YEARS,
D/O.N.R.PRABHU, RESIDING AT BLOCK NO.10,S1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

13. P.P.SREEMATHY, AGED 54 YEARS,
D/O.KRISHNA KURUP, RESIDING AT BLOCK NO.9,F2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

14. LAHARIKANTH D. SHAH, AGED 65 YEARS,
S/O.DEVARAM LAKSHMICHAND, RESIDING AT BLOCK NO.4,
S1, CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

15. DR.C.P.FAUF, AGED 55 YEARS,
S/O.IMBICHI AHAMMED, RESIDING AT BLOCK NO.8,F2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

16. PADMINI MENON, AGED 72 YEARS,
D/O.SANKUNNI MENON, RESIDING AT BLOCK NO.6, S1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

17. JAYASREE VARMA, AGED 58 YEARS,
D/O.A.R.RAMA VARMA,
RESIDING AT BLOCK NO.10, F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

18. OMANA LUCKOSE, AGED 44 YEARS,
D/O.ABRAHAM, RESIDING AT BLOCK NO.6, F2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

19. T.K.VINID KUMAR, AGED 48 YEARS,
S/O.T.K.SANKARAN, RESIDING AT BLOCK NO.5,G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

20. SIVAPRAKASH, AGED 42 YEARS,
S/O.K.T.NANU, RESIDING AT BLOCK NO.6,S2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

21. JAVERILAL.D SHAH, AGED 74 YEARS,
S/O.DEVAKARAM LAKSHMICHAND, RESIDING AT BLOCK NO. 7, S2, CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

22. A.ABOOBACKER, AGED 48 YEARS,
S/O.ABDUL HAMEED, RESIDING AT BLOCK NO.5,F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

23. K.P.RAJAGOPAL, AGED 40 YEARS,
S/O.K.RAMAN NAIR, RESIDING AT BLOCK NO.5,G2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

24. T.RAVIPRASAD MENON, AGED 75 YEARS,
S/O.GOVINDA MENON, RESIDING AT BLOCK NO.2, F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

25. SIVASANKARAN.P., AGED 48 YEARS,
S/O.PRABHAKARA MENON, RESIDING AT BLOCK NO.2,S2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

26. THANKAM HARIHARAN, AGED 60 YEARS,
D/O.VAIDYANATHAN, RESIDING AT BLOCK NO.3, FII,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

27. C.R.VENKITESWARAN, AGED 55 YEARS,
S/O.RAMANATHAN, RESIDING AT BLOCK NO.4, G2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

28. SUDHA ARAVINDAN, AGED 57 YEARS,
D/O.KARUNAKARA MENON, RESIDING AT BLOCK NO.5,S1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

29. A.SASINDRAN, AGED 48 YEARS,
S/O.KARUNAN, RESIDING AT BLOCK NO.1, G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

30. SYAM SUNDAR, AGED 42 YEARS,
S/O.RAMAKRISHNAN ERADI, RESIDING AT BLOCK NO.1,S2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

31. P.S.RAMACHANRDAN, AGED 48 YEARS,

RESIDING AT BLOCK NO.8, G1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

32. MARTIN JOSEPH, AGED 40 YEARS,
S/O.JOSEPH, RESIDING AT BLOCK NO.7, F1,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD, KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, GENERAL, KOZHIKODE.

2. THE KOZHIKODE BHAVANA NIRMANA
SAHAKARANA SANGHAM, REPRESENTED BY ITS SECRETARY,
ERANHIPALAM, KOZHIKODE.

3. THE SECRETARY,
KOZHIKODE BHAVANA NIRMANA SAHAKARANA SANGHAM,
ERANHIPALAM, KOZHIKODE.

4. KRISHNA MOORTHY, AGED 88 YEARS,
S/O.VISWANATHA IYER,
RESIDING AT BLOCK NO.3, G2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

5. GOUTHAMAN, AGED 80 YEARS,
S/O.DAMODARAN, RESIDING AT BLOCK NO.7, F2,
CHINTHAVALAPPU FLATS, RAM MOHAN ROAD,
KOZHIKODE.

R1 BY G.P. SRI.P.K.RAVIKRISHNAN
R2&3 BY ADV. SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/04/2007, ALONG WITH WPC NO. 6204 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) Nos.12697 & 6204 of 2007

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Dated this the 13th day of April, 2007.

JUDGMENT

Prayer in the connected W.Ps. is for direction to the third respondent-society in W.P. 6204/2007 which is second respondent in the other case to assign property including the buildings constructed and allotted to petitioners. It is admitted that the society was engaged in construction of apartments to the members. Flats have been constructed and possession given to the petitioners and other members under hire purchase agreement. While the case of the petitioners is that full payments have been made, counsel appearing for the society submitted that further amounts are due from the members. In any case there is no justification for indefinitely keeping the matter pending. In the circumstances, W.Ps. are disposed of directing the society to give individual statement of accounts to each and every member and execute assignment deeds in accordance with the terms of allotment to all the members within three months from today. So far as utilisation of common space in the housing area is concerned, the society will in accordance with the byelaws construct common facilities, individual car sheds etc., and allot the same to the members. Collections can be made

in accordance with the hire purchase agreement. As and when plan is prepared and published and allotments made, the temporary construction can be demolished for construction purpose.

C.N.RAMACHANDRAN NAIR
Judge

pms